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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/820,565	
	Filing Date	April 7, 2004	
	First Named Inventor	I. Ross GARRETT	
	Art Unit	1614	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	12	Attorney Docket Number	432722003700

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 (4 pages + duplicate) 53 References Return Receipt Postcard
<b>Remarks</b>  <b>CUSTOMER NO. 25225</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Laurie L. Hill - 51,804
Signature	
Date	October <u>11</u> , 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 12, 2004

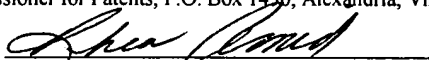
Signature: (Rhea Amid)



PATENT  
Docket No. 432722003700

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Rhea Amid

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

I. Ross GARRETT et al.

Serial No.: 10/820,565

Filing Date: April 7, 2004

For: BONE GROWTH STIMULATION  
WITH NO/STATIN AND OTHER NO  
MODULATING COMBINATIONS

Examiner: Not Yet Assigned

Group Art Unit: 1614

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

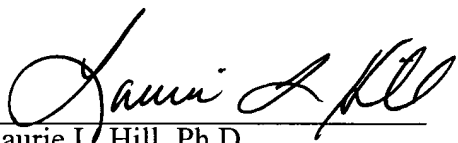
Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **432722003700**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 11, 2004

Respectfully submitted,

By:   
Laurie L. Hill, Ph.D.  
Registration No. 51,804

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Form PTO-1449

Docket Number 432722003700

Application Number 10/820,565

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

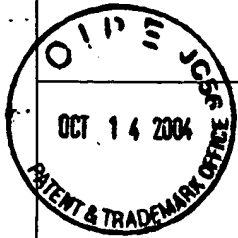
Applicant

I. Ross GARRETT et al.

Filing Date April 7, 2004

Group Art Unit 1614

Mailing Date October 12 2004



## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	08/1985	4,533,540	Blank	424	486	
	2.	04/1988	4,739,073	Kathawala	548	406	
	3.	08/1988	4,761,471	Urist	530	350	
	4.	08/1989	4,855,456	Lee et al.	549	214	
	5.	09/1989	4,866,186	Thompson et al.	549	292	
	6.	10/1989	4,873,345	Duggan	549	214	
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	9.	10/1990	4,963,538	Duggan	514	099	
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	24.	06/2000	6,080,779	Gasper et al.	514	451	
	25.	07/2000	6,083,690	Harris et al.	435	006	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 432722003700	Application Number 10/820,565
	Applicant I. Ross GARRETT et al.	
	Filing Date April 7, 2004	Group Art Unit 1614
	Mailing Date October 12, 2004	

	26.	04/2002	6,376,476	Gasper et al.	514	100	
	27.	10/2002	6,458,841	Fossel	514	565	

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	28.	06/1984	WO 84/02131	WIPO				
	29.	10/1990	WO 90/11366	WIPO				
	30.	03/1992	WO 92/03125	WIPO				
	31.	10/1993	WO 93/20859	WIPO				
	32.	09/1995	WO 95/24211	WIPO				
	33.	05/1997	WO 97/15308	WIPO				
	34.	12/1997	WO 97/48694	WIPO				
	35.	04/1998	WO 98/17267	WIPO				
	36.	01/2000	WO 00/02548	WIPO				
	37.	04/2001	WO 01/28579	WIPO				
	38.	05/2002	WO 02/41895	WIPO				
	39.	10/2002	WO 02/82973	WIPO				

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		Applicant  <div style="text-align: center;">I. Ross GARRETT et al.</div>	
		Filing Date April 7, 2004	Group Art Unit 1614
		Mailing Date October <u>12</u> , 2004	
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